



March 25, 2005

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## ENGROSSED HOUSE BILL No. 1270

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DIGEST OF HB 1270 (Updated March 22, 2005 11:43 am - DI 106)

**Citations Affected:** IC 35-43; noncode.

**Synopsis:** Motor vehicle offenses. Creates criminal offenses for the unlawful: (1) entry into; or (2) possession, operation, or disposition of; a motor vehicle. Provides: (1) enhanced penalties; and (2) a defense; in certain circumstances.

**Effective:** July 1, 2005.

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### Pond, GiaQuinta, Moses, Thomas

(SENATE SPONSORS — WYSS, LONG, BRODEN)

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January 11, 2005, read first time and referred to Committee on Courts and Criminal Code.  
February 8, 2005, amended, reported — Do Pass.  
February 14, 2005, read second time, ordered engrossed. Engrossed.  
February 15, 2005, read third time, passed. Yeas 70, nays 26.

SENATE ACTION

February 24, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
March 24, 2005, amended, reported favorably — Do Pass.

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EH 1270—LS 6823/DI 106+



March 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1270

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-43-4-2.7 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]: **Sec. 2.7. (a) This section does not apply to the following:**

4 (1) A public safety officer (as defined in IC 35-47-4.5-3) or  
5 state police motor carrier inspector acting within the scope of  
6 the officer's or inspector's duties.

7 (2) A motor vehicle that must be moved because the motor  
8 vehicle is abandoned, inoperable, or improperly parked.

9 (3) An employee or agent of an entity that possesses a valid  
10 lien on a motor vehicle who is expressly authorized by the  
11 lienholder to repossess the motor vehicle based upon the  
12 failure of the owner or lessee of the motor vehicle to abide by  
13 the terms and conditions of the loan or lease agreement.

14 (b) As used in this section, "authorized operator" means a  
15 person who is authorized to operate a motor vehicle by an owner  
16 or a lessee of the motor vehicle.

17 (c) As used in this section, "motor vehicle" has the meaning set

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EH 1270—LS 6823/DI 106+



1 forth in IC 9-13-2-105(a).

2 (d) A person who:

3 (1) enters a motor vehicle knowing that the person does not  
4 have the permission of an owner, a lessee, or an authorized  
5 operator of the motor vehicle to enter the motor vehicle; and

6 (2) does not have a contractual interest in the motor vehicle;  
7 commits unauthorized entry of a motor vehicle, a Class B  
8 misdemeanor.

9 (e) The offense under subsection (d) is:

10 (1) a Class A misdemeanor if the motor vehicle has visible  
11 steering column damage or ignition switch alteration as a  
12 result of an act described in subsection (d)(1); or

13 (2) a Class D felony if a person occupies the motor vehicle  
14 while the motor vehicle is used to further the commission of  
15 a crime, if the person knew or should have known that a  
16 person intended to use the motor vehicle in the commission of  
17 a crime.

18 (f) It is a defense to a prosecution under this section that the  
19 accused person reasonably believed that the person's entry into the  
20 vehicle was necessary to prevent bodily injury or property damage.

21 (g) There is a rebuttable presumption that the person did not  
22 have the permission of an owner, a lessee, or an authorized  
23 operator of the motor vehicle to enter the motor vehicle if the  
24 motor vehicle has visible steering column damage or ignition  
25 switch alteration.

26 SECTION 2. IC 35-43-4-3 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person who  
28 knowingly or intentionally exerts unauthorized control over property of  
29 another person commits criminal conversion, a Class A misdemeanor.

30 (b) The offense under subsection (a) is a Class D felony if  
31 committed by a person who exerts unauthorized control over the  
32 motor vehicle of another person with the intent to use the motor  
33 vehicle to assist the person in the commission of a crime.

34 (c) The offense under subsection (a) is a Class C felony if:

35 (1) committed by a person who exerts unauthorized control  
36 over the motor vehicle of another person; and

37 (2) the person uses the motor vehicle to assist the person in the  
38 commission of a felony.

39 SECTION 3. [EFFECTIVE JULY 1, 2005] IC 35-43-4-2.7, as  
40 added by this act, and IC 35-43-4-3, as amended by this act, apply  
41 to offenses committed after June 30, 2005.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1270, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, delete ";" and insert "**as a result of an act described in subsection (d)(1);**".

and when so amended that said bill do pass.

(Reference is to HB 1270 as introduced.)

ULMER, Chair

Committee Vote: yeas 7, nays 3.

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SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1270.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 3, delete "knowingly or intentionally".

Page 2, line 3, delete "without".

Page 2, line 4, delete "having" and insert **"knowing that the person does not have the"**.

Page 2, line 4, delete "to enter the motor vehicle from" and insert **"of"**.

Page 2, line 5, after "vehicle" insert **"to enter the motor vehicle"**.

Page 2, line 15, after "crime" insert **", if the person knew or should have known that a person intended to use the motor vehicle in the commission of a crime."**

Page 2, between lines 18 and 19, begin a new paragraph and insert:

**"(g) There is a rebuttable presumption that the person did not have the permission of an owner, a lessee, or an authorized operator of the motor vehicle to enter the motor vehicle if the motor vehicle has visible steering column damage or ignition switch alteration."**

Page 2, delete lines 19 through 42, begin a new paragraph, and insert:

**"SECTION 2. IC 35-43-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person commits criminal conversion, a Class A misdemeanor.**

**(b) The offense under subsection (a) is a Class D felony if committed by a person who exerts unauthorized control over the motor vehicle of another person with the intent to use the motor vehicle to assist the person in the commission of a crime.**

**(c) The offense under subsection (a) is a Class C felony if:**

**(1) committed by a person who exerts unauthorized control over the motor vehicle of another person; and**

**(2) the person uses the motor vehicle to assist the person in the commission of a felony.**

**SECTION 3. [EFFECTIVE JULY 1, 2005] IC 35-43-4-2.7, as added by this act, and IC 35-43-4-3, as amended by this act, apply to offenses committed after June 30, 2005."**

Page 3, delete lines 1 through 8.

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Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1270 as printed February 9, 2005.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

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